

1 SENATE JOINT MEMORIAL 35

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Mary Kay Papen

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10 A JOINT MEMORIAL

11 REQUESTING THE NEW MEXICO BEHAVIORAL HEALTH COLLABORATIVE AND
12 ITS MEMBER DEPARTMENTS TO STUDY THE NEEDS OF AND AVAILABLE
13 RESOURCES FOR PEOPLE WITH MENTAL HEALTH DISORDERS IN CRISIS
14 SITUATIONS AND TO DEVELOP STRATEGIES TO IMPROVE SERVICES,
15 TREATMENT AND CARE OUTSIDE OF LAW ENFORCEMENT AND DETENTION IN
16 ORDER TO REDUCE THE NUMBER OF PEOPLE WITH MENTAL HEALTH
17 DISORDERS WHO ARE IN DETENTION FACILITIES OR REQUIRE LAW
18 ENFORCEMENT INTERVENTION.

19
20 WHEREAS, one of the greatest challenges facing law
21 enforcement agencies and detention centers is how to respond to
22 people who have mental health disorders; and

23 WHEREAS, law enforcement agencies are the first-line
24 responders to people with mental health disorders who are not
25 receiving necessary treatment and care; and

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1 WHEREAS, current statute permits people with mental health
2 disorders to be taken to detention facilities for protective
3 custody regardless of whether they have committed criminal acts
4 warranting arrest; and

5 WHEREAS, many people with mental health disorders are held
6 in detention facilities for misdemeanor charges due to a lack
7 of available treatment or community support; and

8 WHEREAS, the burden for addressing mental health issues in
9 New Mexico communities has been left to counties where
10 detention centers have become de facto mental health
11 facilities; and

12 WHEREAS, detention centers are ill-equipped to deal with
13 this population; and

14 WHEREAS, individuals with mental health disorders are not
15 helped by incarceration; and

16 WHEREAS, the current situation exposes the state and local
17 government to substantial liability; and

18 WHEREAS, individual agencies cannot provide the solution
19 to this problem because it is a systemic problem that requires
20 collaboration and development of strategies among federal,
21 state, county and municipal government as well as health care
22 providers and advocacy organizations;

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
24 STATE OF NEW MEXICO that the New Mexico behavioral health
25 collaborative, through the behavioral health planning council,

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1 be requested to convene stakeholders to develop humane and
2 effective strategies to serve people with mental health
3 disorders in order to reduce the number of people with mental
4 health disorders that require law enforcement intervention and
5 to reduce the number of people with mental health disorders in
6 detention centers; and

7 BE IT FURTHER RESOLVED that stakeholders include but not
8 be limited to representatives from the New Mexico association
9 of counties; the New Mexico municipal league; the department of
10 health; the human services department; the training and
11 recruiting division of the department of public safety; the
12 aging and long-term services department; the corrections
13 department; the New Mexico behavioral health institute at Las
14 Vegas; the New Mexico hospital association; the protection and
15 advocacy system; federal, state and county law enforcement; and
16 peer specialists that represent the local behavioral health
17 collaboratives and their constituents and families; and

18 BE IT FURTHER RESOLVED that the New Mexico behavioral
19 health collaborative be requested to report its findings to the
20 appropriate interim legislative committee by December 1, 2009;
21 and

22 BE IT FURTHER RESOLVED that copies of this memorial be
23 transmitted to the directors of the New Mexico association of
24 counties and the New Mexico municipal league and to the
25 secretaries of health, human services, aging and long-term

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1 services and children, youth and families.

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